



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,619	08/24/2006	Klemens Breitfuss	AT040011 US1	8974
65913	7590	11/03/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131				
EXAMINER				
HSIEH, PING Y				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
11/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/590,619

Applicant(s)

BREITFUSS, KLEMENS

Examiner

PING Y. HSIEH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-13 are pending.

Response to Amendment

1. In view of amendment received on 8/11/08, the rejection under 35 U.S.C. 112 to claims 9 and 10 is withdrawn.

Claim Objections

2. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not provide sufficient support for "a lower limit established to indicate a failure of the clock signal and/or with an upper limit established to indicate a failure of the digital data signals".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-4, 6-8, 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Koblmiller et al. (DE 10148891) in view of Barclay et al. (US 7,325,250) and further in view of Smith (U.S. PATENT NO. 7,173,493) and Satou (U.S. PATENT NO. 7,157,916).

-Regarding claims 1, 7 and 12, Koblmiller et al. disclose a reset circuit (**fig. 1**) comprising a clock signal input for receiving a clock signal consisting of a sequence of clock signal cycles (**clock input 3, fig. 1**), comprising a data signal input for receiving digital data signals, said digital data signals being encoded in such a manner that at least one signal edge appears per data bit in the data signal (**data input 1, fig. 1**), comprising a counting stage being connected to the data signal input and the clock signal input and being designed for counting a

number of clock signal cycles (**counter 4, fig. 1**), which clock signal cycles appear between a defined number of data signal edges (**fig. 2**), and comprising comparing means, said comparing means being designed for comparing the number of clock signal cycles counted by the counting stage with a lower limit (**comparator 6, fig. 1**) and/or with an upper limit (**comparator 5, fig. 1**) and said comparing means being designed to emit a power saving signal, if the number either remains below the lower limit or exceeds the upper limit, depending on the limit value taken for comparison (**as disclosed in paragraph 34-43**). However, Koblmiller et al. fail to specifically disclose a reset signal.

Barclay et al. disclose a reset command as disclosed in col. 8 lines 24-35.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the power saving signal to be a reset signal. One is motivated as such in order to improve security when detecting interruptions in communication. However, the combination fails to specifically disclose the lower limit is established to indicate a failure of the clock signal and the upper limit is established to indicate a failure of the digital data signals.

Smith discloses the reset logic 20 has an output 86 that indicates that a handshake failed which indicates that the reference clock 42 has been lost as disclosed in col. 3 lines 6-15; and Satou discloses a timing signal to indicate timing at which fail data of the electronic devices 200 is received as disclosed in col. 5 line 58-col. 6 line 4.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the lower limit to be established to indicate a

failure of the clock signal and the upper limit to be established to indicate a failure of the digital data signals. One is motivated as such in order to meet the design requirement.

-Regarding claim 2, the combination further discloses a data carrier comprising a logic circuit (**Kobl米勒 et al., control logic 2, fig. 1**) said logic circuit being designed for receiving digital data signals and for producing output data and for receiving a reset signal said reset signal being provided to set the logic circuit into a defined logical state (**Kobl米勒 et al., fig. 1**), wherein the data carrier comprising a reset circuit as claimed in claim 1 and wherein the reset signal of the reset circuit being provided to be supplied to the logic circuit (**Kobl米勒 et al., fig. 1 and Barclay et al., col. 8 lines 24-35**).

-Regarding claim 3, the combination further discloses the data carrier comprising a pad for connecting external data input lines, data output lines, clock signal lines and preferably power supply lines to the reset circuit and the logic circuit respectively (**it would be obvious to one of ordinary skills in the art to use a pad for providing connection to external data input lines, data output lines, clock signal lines and power supply lines to the reset circuit and the logic circuit**).

-Regarding claims 4 and 8, the combination further discloses the data carrier comprising a coupling element for contactless transmission of signals (**Barclay et al., antenna, fig. 2**) and comprising an air interface for processing received signals, wherein the air interface being provided for extracting data signals and clock signals from the received signals and for forwarding the

extracted data signals to the reset circuit and the logic circuit respectively
(Barclay et al., radio transceiver 205 as disclosed in fig. 2 and further disclosed in col. 6 line 45-col. 7 line 2).

-Regarding claim 6, the combination further discloses the data carrier comprising a subscriber's identification module for a mobile telephone application
(Barclay et al., col. 2 lines 36-37).

-Regarding claim 11, the combination further discloses the communication device being designed as a mobile phone, a personal digital assistant or a personal computer **(Barclay et al., col. 1 lines 14-21).**

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koblmiller et al. (DE 10148891) in view of Barclay et al. (US 7,325,250), Smith (U.S. PATENT NO. 7,173,493), Satou (U.S. PATENT NO. 7,157,916) and further in view of Rizzo et al. (US 7,308,249).

-Regarding claim 5, the combination of Koblmiller et al. and Barclay et al. discloses all the limitations as claimed in claims 1, 2 and 4. However, the combination fails to disclose the air interface being designed for extracting electrical energy for supplying the reset circuit and the logic circuit with energy, wherein the extracted electrical energy being preferably buffered intermediately in an energy storage means.

Rizzo et al. disclose the air interface being designed for extracting electrical energy for supplying the reset circuit and the logic circuit with energy **(col. 5 lines 20-26)**, wherein the extracted electrical energy being preferably buffered intermediately in an energy storage means **(col. 5 lines 53-55).**

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the data carrier as disclosed by Koblmiller et al. and Barclay et al. to include the features as disclosed by Rizzo et al. One is motivated as such in order to improve power conservation.

Allowable Subject Matter

9. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claim 13 is allowed.

Response to Arguments

11. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PING Y. HSIEH whose telephone number is (571)270-3011. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Y. H./
Examiner, Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
Unit 2618